

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF MAY 13, 2010

ITEM NUMBER:

SUBJECT: **Rescission of NPDES Permits and Cease and Desist Orders
for Buena Vista and Klau Mines**

KEY INFORMATION

Buena Vista Mine:

Discharger--Buena Vista Mines, Inc. and/or Klau Mine, Inc.
Location--12 miles west of Paso Robles, on Cypress Mountain Rd., San Luis Obispo County
Discharge Type--Various mine waste and acidic metal laden water (mine drainage)
Flow Rate--Variable (precipitation-dependent, typically less than eight gpm)
Existing Orders--WDR Order No. 93-47 (NPDES) and CDO No. 93-56

Klau Mine:

Discharger--Buena Vista Mines, Inc. and/or Klau Mine, Inc.
Location--13 miles west of Paso Robles, on Cypress Mountain Rd., San Luis Obispo County
Discharge Type--Various mine waste and acidic metal laden water (mine drainage)
Flow Rate--Offsite surface water flow variable, between <1 gpm and 70 gpm
Existing Orders--WDR Order No. 93-48 (NPDES) and CDO No. 93-57

This Action: Rescind the Existing Orders listed in Table 1, below

DISCUSSION

On May 14, 1993, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted the following NPDES Permits and Cease and Desist Orders:

Table 1 – Subject Orders

			Buena Vista Mine Order No.	Klau Mine Order No.
NPDES	Permit/Waste	Discharge	93-47	93-48
Requirements*				
Cease and Desist Order			93-56	93-57

* "NPDES Permit/Waste Discharge Requirements" may be abbreviated as "Permit" in this report

The Permits and Orders required Buena Vista Mines, Inc. and Klau Mine, Inc. to control the discharge of surface drainage, subsurface drainage, and mine waste from the Buena Vista Mine and the Klau Mine. Since adoption of the Permits and Orders, the United States Environmental Protection Agency (USEPA) has begun taking response actions to address discharges of waste from the mines using its authority under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA section 121(e) states that no permits are required if the response actions are conducted under CERCLA. Because Buena Vista Mines, Inc. and Klau Mine, Inc. no longer control the discharges, and USEPA is conducting response actions, Permits and Orders requiring Buena Vista Mines, Inc. and Klau Mine, Inc. to control the

discharge are no longer necessary.

It should be noted that both Permits included the following provision:

"This Order expires May 14, 1998. If BVMi wishes to continue the discharge to surface water of the United States after May 14 1998, it must file a Report of Waste Discharge (ROWD) in accordance with Title 23, of the California Code of regulations by November 14, 1997."

The Permits expired more than a decade ago. Rescinding the permits will make clear that Buena Vista Mines, Inc. and Klau Mine Inc. no longer have a valid right to discharge any waste to waters of the state or of the United States. The Regional Board may also rescind the Cease and Desist Orders, but could enforce past violations while the Orders remained in effect.

COMMENTS AND RESPONSES

Comments were solicited from the following persons or agencies:

Mr. Jim Sickles
U.S. Environmental Protection Agency, SFD-8-2

Mr. Edward Cargile
CA Department of Toxic Substances Control

Dr. Marilyn Underwood
California Department of Public Health
Environmental Health Investigations Branch

Ms. Lisa Wallender
County of San Luis Obispo
Dept. of Public Works County

Mr. Aaron LaBarre
County of San Luis Obispo
Dept. of Public Works County

Buena Vista Mines, Inc.

Ms. Elizabeth Krafft
County of Monterey
Monterey County Water Resources Agency

Mr. Robert Johnson
County of Monterey
Monterey County Water Resources Agency

Mr. Greg Wilkerson
Bakersfield Field Office CA160
Bureau of Land Management

Public Library
Repository for Klau/Buena Vista Mines
Superfund Information

U.S. Environmental Protection Agency, Region IX Library

Buena Vista Mines Klau Mine Community Advisory Group
c/o Mr. Jim Sickles, U.S. Environmental Protection Agency

On _____, Water Board staff published a public notice that the Central Coast Water Board would consider rescinding the subject Permits and Orders at its regularly scheduled meeting on May 13, 2010. Central Coast Water Board staff also notified the public and interested persons that written comments on the proposed rescissions are due by March 18, 2010 when the public comment period ends.

RECOMMENDATION

Rescind the Orders listed in Table 1, above.

ATTACHMENTS

1. NPDES/Waste Discharge Requirements Order No. 93-47 and No. 93-48
2. Cease and Desist Order No. 93-56 and No. 93-57

S:\NPDES\NPDES Facilities\San Luis Obispo Co\BV-Klau\2010 Rescission of NPDES and CDOs\Staff Report.doc